

Miss Bernice Johnson of Austin, Travis County.

To be a member of the State Parks Board for six year term to expire May 15, 1951:

H. G. Webster of Denison, Grayson County.

To be a Commissioner to the National Conference of Commissioners on Uniform State Laws for a term expiring July 7, 1949:

Palmer Hutcheson of Houston, Harris County.

In Legislative Session

The President called the Senate to order as in legislative session at 12:20 o'clock p. m.

Adjournment

Senator Knight moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Senator Stanford moved that the Senate recess to 2:30 o'clock p. m., today.

Question first recurring on the motion of Senator Knight, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15

Aikin	Moore
Chadick	Ramsey
Graves	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

Nays—13

Brown	Parrish
Bullock	Shivers
Crawford	Spears
Hazlewood	Stanford
Jones	Stone
Moffett	Sulak
Morris	

Absent

Carney

Absent—Excused

Kelley Mauritz

The Senate, accordingly, at 12:35 o'clock p. m., adjourned until 10:30 o'clock a. m., tomorrow.

SEVENTY-SIXTH DAY

(Thursday, May 24, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Mauritz was granted leave of absence for today on account of illness on motion of Senator Winfield.

Senator Parrish was granted leave of absence for today on account of important business, on motion of Senator Winfield.

Address By Senator Rogers Kelley

On invitation of the President, Senator Rogers Kelley, who is a captain in the American Air Force and who had just returned from active duty in the Southwest Pacific battle zones, addressed the Senate at this time.

Report of Conference Committee on House Concurrent Resolution 61

Senator Aikin submitted the following report:

Austin, Texas,
May 24, 1945.

Hon. Claude H. Gilmer, Speaker of the House of Representatives.

Hon. John Lee Smith, President of the Senate.

Sirs: We, your Conference Commit-

tee, appointed to adjust the differences between the House and the Senate on H. C. R. No. 61 beg leave to submit the following report with the recommendation that it be adopted.

Respectfully,
ISAACKS
SVADLENAK
SMITH of Hays
MESSER

On the part of the House.

AIKIN
WEINERT
MOORE
BULLOCK
SHIVERS

On the part of the Senate.

House Concurrent Resolution 61

Be it Resolved by the House of Representatives, the Senate concurring, that the Regular Session of the Forty-ninth Legislature stand adjourned sine die at 12:00 o'clock noon May 31, 1945.

The report was read and was adopted.

Reports of Standing Committees

Senator Sulak submitted the following report:

Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 34, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

SULAK, Chairman.

Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 34, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MARTIN, Chairman.

Senator Lanning submitted the following report:

Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 874, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Senator Vick submitted the following report:

Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 415, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VICK, Chairman.

Senate Concurrent Resolution 33

Senator Graves offered the following resolution:

Whereas, The report of the Conference Committee on S. B. No. 246 was adopted by the Senate on May 15, 1945; and

Whereas, The vote by which the report was adopted was reconsidered on the same day, and the report has not since been re-adopted by the Senate; and

Whereas, The bill has been enrolled and signed and presented to the Governor by mistake; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the bill be recalled from the Governor's office, and the signatures and certificates thereon erased therefrom, and that the record of the signing of the bill be expunged from the Journals of the two Houses.

The resolution was read and was adopted.

Senate Concurrent Resolution 34

Senator Shivers offered the following resolution:

S. C. R. No. 34, Granting permission to J. I. Case Company to sue the State of Texas.

Whereas, J. I. Case Threshing Machine Company, a Wisconsin corporation, paid certain franchise taxes for the tax years beginning May 1, 1908 and ending April 30, 1918; and

Whereas, the above named corporation also paid a filing fee in the amount of Five Thousand and Forty-two Dollars (\$5,042.00) on or about February 26, 1910; and

Whereas, the J. I. Case Threshing Machine Company on or about June 14, 1929 changed its name to J. I. Case Company; and

Whereas, J. I. Case Company maintains that the above mentioned franchise taxes and filing fees were illegally and unlawfully exacted of its predecessor, J. I. Case Threshing Machine Company; now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that J. I. Case Company is hereby granted permission to sue the State of Texas to determine what amount of taxes and filing fees may have been heretofore illegally exacted of J. I. Case Threshing Machine Company and to recover judgment against the State of Texas for such amount so illegally and unlawfully exacted and collected of and paid by J. I. Case Threshing Machine Company.

It is specifically understood that the purpose of this resolution is to grant J. I. Case Company permission to sue the State of Texas, and nothing herein shall be construed as an admission of liability against the State, and the facts upon which plaintiff seeks to recover must be proved as in any other case.

Service of citation for the purpose herein granted may be had upon the State of Texas by serving the Attorney General of Texas and the Secretary of State of the State of Texas.

Venue herein shall lie in any District Court of Travis County, Texas.

The resolution was read and was referred to the Committee on State Affairs.

Senate Resolution 81

(Congratulating Honorable Tom C. Clark)

Senator Graves offered the following resolution:

Whereas, President Harry S. Truman has appointed the Hon. Tom C. Clark to the office of Attorney Gen-

eral of the United States; and

Whereas, the said Tom C. Clark, a native of Texas, received his legal education and had engaged in the practice of law in this State, and has served his County, State, and the United States in various official capacities, and is now Assistant Attorney General of the United States; and

Whereas, in all of the offices in which the said Tom C. Clark has been called upon to fill, he has always distinguished himself as a most capable and brilliant lawyer and a worthy public official notable for his many achievements and rendering invaluable service; and

Whereas, the said Tom C. Clark has carried with him into public office a deep admiration, respect and pride of Texas citizenry; now be it

Resolved, that the Senate of the State of Texas, in tribute to a fellow citizen, take this occasion to commend the President of the United States for having appointed such an outstanding Texan to be a member of his official family in the office of Attorney General of the United States; and be it further

Resolved, that a copy of this resolution properly enrolled and sealed be sent to President Harry S. Truman, and that a copy be sent to the Honorable Tom C. Clark.

GRAVES.

Signed—John Lee Smith, Lieutenant Governor; Senators, Aikin, Brown, Bullock, Carney, Chadick, Crawford, Graves, Hazlewood, Jones, Kelley, Knight, Lane, Lanning, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Parrish, Ramsey, Shivers, Spears, Stanford, Stone, Sulak, Taylor, Vick, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Shivers, the names of the Lieutenant Governor and all members of the Senate were added to the resolution as signers thereof.

The resolution was adopted unanimously.

House Bill 408 on Second Reading

Senator Stone moved that the regular order of business be suspended to take up House Bill No. 408 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Metcalf
Brown	Moffett
Carney	Moore
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York

Nays—3

Bullock	Weinert
Morris	

Absent—Excused

Mauritz	Parrish
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The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 408, A bill to be entitled "An Act to aid the town of Freeport, Texas, in raising, strengthening and extending existing seawalls and breakwaters now partially protecting said town from calamitous overflow, and in constructing additional seawalls and breakwaters both within and without the corporate limits of said Town of Freeport for the further protection thereof, by donating and granting to said Town of Freeport for a period of twenty (20) years commencing September 1, 1945, and ending August 31, 1965, the State General Fund ad valorem taxes collected upon property, real and personal (including rolling stock belonging to railroad companies, which shall be ascertained and apportioned as now provided by law), within the defined limits of Road District No. 8, boundaries of which appear in Volume K, page 577, Minutes of the Commissioners' Court of Brazoria County, Texas; Road District No. 9, the boundaries of which appear in Volume L, page 101, Minutes of the Commissioners' Court of Brazoria County."

The bill was read second time and was passed to third reading.

Conference Committee on House Bill 110

Senator Bullock called for the con-

sideration at this time of the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 110 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators, Bullock, Weinert, Moore, Metcalf, Winfield.

House Bill 874 on Second Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 874 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Mauritz	Parrish
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The President then laid the bill before the Senate on its second reading and passage to third reading:

H. B. No. 874, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand Dollars (\$100,000), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-ninth Legislature, and to pay any

unpaid accounts or expenses of the Forty-eighth Legislature; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 874 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 874 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Mauritz Parrish

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Mauritz Parrish

House Bill 408 on Third Reading

Senator Stone moved that the con-

stitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 408 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Brown	Moore
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Martin	Winfield
Metcalf	York

Nays—2

Bullock Morris

Absent

Lanning

Absent—Excused

Mauritz Parrish

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Bullock, Moffett, Winfield, Lane, Morris and Jones asked to be recorded as voting "nay" on the passage of the bill.

Motion to Place House Bill 48 on Third Reading

Senator Moffett moved that the regular order of business be suspended to take up House Bill No. 48 on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—16

Aikin	Morris
Brown	Ramsey
Carney	Shivers
Crawford	Stone
Jones	Taylor
Kelley	Weinert
Lane	Winfield
Moffett	York

Nays—11

Bullock	Moore
Chadick	Spears
Graves	Stanford
Knight	Sulak
Lanning	Vick
Metcalfe	

Absent

Martin

Absent—Excused

Parrish

Paired

Senator Hazlewood (present), who would vote "yea" with Senator Mauritz (absent), who would vote "nay."

House Bill 410 on Second Reading

Senator Shivers moved that the regular order of business be suspended to take up House Bill No. 410 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Brown	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Metcalfe	Winfield
Moffett	York

Nays—1

Bullock

Absent

Lanning Martin

Absent—Excused

Mauritz Parrish

The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 410, A bill to be entitled "An Act to amend Chapter 292, Acts of the Regular Session of the Forty-first Legislature, as amended by Chapter 584, Acts of the Regular Session of the Forty-seventh Legislature, the same being entitled 'An Act to aid the City of Port Arthur, Texas, situated in Commissioners' Precinct Number 2 of Jefferson

County, Texas, in constructing and maintaining sea walls, breakwaters and shore protection in order to protect said City from calamitous overflows, by donating to it eight-ninths (8/9) of ad valorem taxes collected on all property, both real and personal, in Commissioners' Precinct Number 2 of Jefferson County, Texas, for a period of twenty (20) years, providing a penalty for misapplication of the moneys thus donated; and declaring an emergency' by extending the provisions of said Act for a period of twelve (12) years from September 1, 1949; providing for primary drainage systems; authorizing the refunding to the City of Port Arthur a certain sum heretofore paid by said City; making provisions with reference to certain homestead exemptions; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 410 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 410 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Brown	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Martin	Winfield
Metcalfe	York
Moore	

Nays—3

Aikin Moffett

Bullock Absent

Lanning

Absent—Excused

Mauritz

Parrish

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Winfield, Lane, Weinert, Morris, Moffett, Bullock, Metcalfe, Vick and York asked to be recorded as voting "nay" on the passage of the bill.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 23, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 100, Memorializing Congress to return to the Texas State Employment Service the control of the Texas Unemployment Compensation Commission.

H. C. R. No. 106, Commending the members of the Interstate Commerce Commission for their epoch-making decision in behalf of freight rate equality.

The House has concurred in Senate amendments to House Bill No. 375 by a voice vote.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 48. The following conferees have been appointed on the part of the House: Markle, Smith of Jefferson, McMurry, Fertsch, Evans.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk House of Representatives.

House Bill 544 on Second Reading

Senator Morris moved that the regular order of business be suspended to take up House Bill No. 544 for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Graves
Brown	Hazlewood
Bullock	Jones
Carney	Kelley
Chadick	Knight
Crawford	Lane

Lanning	Stanford
Martin	Stone
Metcalfe	Sulak
Moffett	Taylor
Moore	Vick
Morris	Weinert
Ramsey	Winfield
Shivers	York
Spears	

Absent—Excused

Mauritz	Parrish
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The President then laid before the Senate, on its second reading and passage to third reading:

H. B. No. 544, A bill to be entitled "An Act amending Section One (1) of Article 5949, Vernon's Civil Statutes of Texas, as amended; providing for the appointment of Notaries Public for each county of the State of Texas by the Secretary of State; providing the time of such appointments and when the terms of all appointments made shall end; and declaring an emergency."

The bill was read second time and was passed to third reading.

Senate Concurrent Resolution 35

Senator Kelley offered the following resolution:

Be it Resolved by the Senate of Texas, House concurring, that the Joint Rules be and are hereby suspended so as to permit the Senate to consider S. B. No. 311 on Thursday, May 24, 1945.

The resolution was read and was adopted by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalfe	

Absent—Excused

Mauritz	Parrish
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House Bill 544 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 544 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Mauritz Parrish

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Mauritz Parrish

(President pro tempore in the Chair)

House Bill 309 on Second Reading

Senator Metcalfe moved that the

regular order of business be suspended to take up House Bill 309 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Metcalf
Brown	Moffett
Carney	Moore
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Winfield
Martin	York

Nays—5

Bullock	Ramsey
Chadick	Taylor
Knight	

Present—Not Voting

Morris

Absent

Lanning	Weinert
Spears	

Absent—Excused

Mauritz Parrish

The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 309, A bill to be entitled "An Act relating to aeronautics; providing for the development thereof within this State; creating a state aeronautics commission and the office of directors of aeronautics; prescribing the powers and duties of such commission and director; making an appropriation therefor; prescribing penalties, and repealing all laws and parts of laws in conflict herewith; providing that if any section, paragraph, sentence, clause, phrase or part of this act be invalid, such invalidity shall not affect the remainder thereof; and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following (committee) amendment to the bill:

Amend H. B. No. 309 by striking out Subdivision 4, Section 8, page 12, of the mimeographed bill.

The amendment was adopted.

Senator Metcalfe offered the following (committee) amendment to the bill:

Amend H. B. No. 309 by striking out Subdivision 5 of Section 6, page 7, of the mimeographed bill, all of the language appearing in said Subdivision 5 after the word "Texas" where said word first appears in line 3.

The amendment was adopted.

Senator Graves offered the following amendment to the bill:

Amend H. B. No. 309, page 4 of the Senate printing, Section 6, Subdivision 6, line 16, by inserting between the words "airports" and "within," the following: "owned, operated, or directly financed in whole or in part by the State,"

The amendment was adopted.

Senator Graves offered the following amendment to the bill:

Amend H. B. No. 309, page 4 of the Senate printing, Section 7, subdivision 2, line 32, by inserting after the word "thereof" the following: "when authorized by the municipality to do so"

The amendment was adopted.

On motion of Senator Metcalfe, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

Senator Chadick offered the following amendment to the bill:

Amend H. B. No. 309 by adding following period in line 49, page 3 of the printed bill the following:

"Provided that the Commission shall not make any obligations or expend any State monies unless and until an appropriation by the Legislature is made therefor."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 309 by adding the following at the end of Section 10:

"The number of employes and the salary of each shall be as fixed in the departmental appropriation bill."

The amendment was adopted.

Senator Taylor offered the following amendment to the bill:

Amend H. B. No. 309, page 3, lines 9 and 10, by striking out the following words: "All of the commissioners shall be qualified through broad aviation experience."

The amendment was adopted.

Senator Lanning offered the following amendment to the bill:

Amend H. B. No. 309 on page 6, Sec. 10, by striking out \$25,000 where it appears and insert in lieu thereof \$20,000.

The amendment was adopted.

Senator Lanning offered the following amendment to the bill:

Amend H. B. No. 309 by adding the following after the word "State" in line 43, page 3, "subject to the approval of the State Board of Control."

LANNING
AIKIN

The amendment was adopted.

Senator Knight offered the following amendment to the bill:

Amend H. B. No. 309, page 2, line 62 of printed bill by omitting Sec. 3, and insert a new section saying the present Railroad Commission.

On motion of Senator Metcalfe, the amendment was tabled.

Question—Shall the bill be passed to third reading?

Senate Bill 103 With House Amendments

Senator Jones called S. B. No. 103 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Jones moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hazlewood
Brown	Jones
Bullock	Kelley
Carney	Knight
Chadick	Lane
Crawford	Lanning
Graves	Martin

Metcalfe	Stone
Moffett	Sulak
Moore	Taylor
Morris	Vick
Ramsey	Weinert
Shivers	Winfield
Spears	York
Stanford	

Absent—Excused

Mauritz Parrish

**Report of Conference Committee on
Senate Bill 197**

Senator Martin submitted the following conference committee report:

Hon. Claude H. Gilmer, Speaker of the House of Representatives.

Hon. John Lee Smith, President of the Senate.

Sirs: We, the members of your conference committee appointed to adjust the differences between the House of Representatives and the Senate on Senate Bill No. 197, have met and had same under consideration and recommend that Senate Bill No. 197 be passed in the form attached hereto.

MARTIN
MOORE
WEINERT
SPEARS
TAYLOR

On the part of the Senate.

HULL
SETERFITT
McLELLAN
WINFREE

On the part of the House.

By Senator Martin: S. B. No. 197

A Bill to be Entitled

An Act

declaring that the war with Germany and Japan, commonly known as World War II, is within the provisions of Section 10, Article 8, of the Constitution of this State, a great public calamity in all counties, cities and towns of this state, and declaring that because of said calamity and by reason of the inadequate provisions of the laws of this state the soldiers, sailors, marines, members of the air corps, coast guard, nurses in the military service of the United States and all women in the military services of the United States in the different auxiliaries thereof, and all of those who have been honorably discharged therefrom, of this state,

were prevented from paying their poll taxes, under the provisions of Section 2, Article 6, of the Constitution, and the Statutes of Texas, and that by reason of these facts and by reason of the fact that Section 9, Article 16, of the Constitution of this State, declares that absence on business of the United States shall not forfeit the residence once obtained so as to deprive anyone of the right of suffrage; and therefore, declaring that said soldiers, sailors, marines, members of the air corps, coast guard, nurses in the military service of the United States, and all women in the military services of the United States in the different auxiliaries thereof, and those honorably discharged therefrom, should not and ought not to be compelled to pay their poll taxes due or assessed against them for the years A. D. 1944, and A. D. 1945; declaring that by authority of Section 10, Article 8, of the Constitution, said soldiers, sailors, marines, members of the air corps, coast guard, nurses in the military service of the United States and all women in the military services of the United States in the different auxiliaries thereof, and those honorably discharged therefrom, are hereby released from the payment of the poll taxes which have been or may be levied against them for the years A. D. 1944, and A. D. 1945; providing that it shall not be necessary for said soldiers, sailors, marines, members of the air corps, coast guard, nurses in the military service of the United States, and women in the military services of the United States in the different auxiliary services, and those honorably discharged therefrom, in order to exercise the privilege of suffrage and vote at all elections held within the State of Texas during the years A. D. 1945, and A. D. 1946, to hold a poll tax receipt showing any poll tax paid before the first day of February next preceding such election, or paid at any time theretofore or thereafter; and providing further that all veterans of any war in which the United States has participated may vote in any election without the payment of a poll tax; and providing certain duties for election officers and conferring certain authority upon them with reference thereto; regulating the manner and method of counting the ballots of soldiers, sailors, marines, members of the air corps, coast guard, nurses in the military services of the United States, and all women in the military services of the

United States in the different auxiliaries thereof, and those honorably discharged therefrom and providing a method of absentee voting by persons covered by this Act; declaring this law cumulative of all other laws of this State, except where in conflict therewith; making this Act apply to all elections in this State, general, special and primary, and providing that in the event Senate Bill No. 165 of the 49th Legislature becomes a law, then this Act shall not apply to primary elections, and providing that the invalidity of any one section thereof shall not effect the constitutionality of any other section; and defining the words "soldiers", "sailors", "marines", "members of the air corps", "coast guard", "nurses in the military services of the United States", and "women in the military services of the United States in the different auxiliary services" thereof as used in this Act; conferring jurisdiction on the various district courts of this state, the Court of Civil Appeals, and the Supreme Court of this State to hear original suits of mandamus brought by anyone within the terms of this Act against any election officer or officers who declare that they will decline, or who may decline, to permit any soldier, sailor, marine, member of the air corps, coast guard, nurses in the military service of the United States and all women in the military service of the United States in the different auxiliary services to vote hereunder; defining and creating offences in violation of this Act, and prescribing venue, jurisdiction and punishment therefor; providing for the printing and distributing of ten thousand copies of this Act among election officers of the State and making an appropriation therefor; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Whereas the United States has been and is at war with Germany and Japan; and whereas said war has called from peaceful pursuits and ordinary avocations more than six hundred thousand citizens of Texas, including both men and women, and has taken such citizens from their homes and usual places of abode into military cantonments and foreign countries as soldiers, sailors, marines, members of the air corps, coast guard, nurses in military service of the United States and women in the military services of the United

States in the different auxiliary services thereof, and preventing them from exercising the ordinary privileges of citizens; therefore, it is declared that said war is within the terms and provisions of Section 10, Article 8 of the Constitution of this State, a great public calamity in all the counties, cities and towns of this State; and whereas the said citizens of this State in the services of the government of the United States as soldiers, sailors, marines, members of the air corps, coast guard, nurses in the military service of the United States and all women in the military services of the United States in the different auxiliary services thereof have been prevented by reason of their service and obedience to the laws, rules and regulations of the military services and by reason of the inadequate provisions of the laws of this state from paying their poll taxes under the provisions of Section 2, Article 6 of the Constitution of this State and under the Statutes of this State and by reason of the great calamity of war as aforesaid have been so prevented; and whereas it is declared in Section 9, Article 16 of the Constitution of Texas that absence on business of the United States shall not forfeit a residence once obtained so as to deprive anyone of the right of suffrage; therefore, it is declared that said soldiers, sailors, marines, members of the air corps, coast guard, nurses in military service and all women in the military services of the United States in the different auxiliary services thereof should not and ought not to be compelled to pay their poll taxes due or assessed against them for the years A. D. 1944 and A. D. 1945; and whereas it is declared in Section 3, Article 1 of the Constitution of Texas that "all free men, when they form a social compact, have equal rights; and no man or set of men is entitled to exclusive, separate public emoluments or privileges, but in consideration of public services"; it is hereby declared by the Legislature of the State of Texas that the services in said war of said soldiers, sailors, marines, members of the air corps, coast guard, nurses in military service and all women serving in the auxiliary military services of the United States were and are "public services" within the meaning of said provision of the Constitution of Texas. And it is here declared that such soldiers, sailors, marines, mem-

bers of the air corps, coast guard, nurses in military service, and all women in the military services of the United States in the different auxiliary services thereof, in consideration of public services, are entitled to exclusive, separate, public emoluments and privileges.

Section 2. That therefore, by authority of Section 10, Article 8, and Section 3, Article 1 of the Constitution of the State of Texas, the Legislature of this State, by a vote of two-thirds of each House duly entered and recorded therein, does hereby release to the said soldiers, sailors, marines, members of the air corps, coast guard, nurses in military service of the United States, and all women in the military service of the United States in the different auxiliary services thereof who have served and have been honorably discharged from such services, or who are now serving or who may hereafter serve in any of the said military branches of the United States during the present conflict between the United States and Germany and Japan and commonly referred to as World War II, the payment of all poll taxes which may have been or may be levied against them for the years A. D. 1944 and A. D. 1945.

Section 3. It is further declared that it shall not be necessary for said soldiers, sailors, marines, members of the air corps, coast guard, nurses in the military service of the United States and all women in the military services of the United States in the different auxiliary services thereof, or those who have been honorably discharged therefrom during World War II in order to exercise the privilege of suffrage and vote at all elections held within the State of Texas during the years 1945 and 1946, to hold a poll tax receipt showing any poll tax paid before the first day of February next preceding such election, or paid at any time theretofore or thereafter as provided in Article 2959, R. S. of Texas, 1925.

Section 4. Any honorably discharged soldier, sailor, marine, member of the air corps, coast guard, United States Merchant Marine, United States Maritime Service, nurse in the military service in the United States, and any woman in military service in the United States in the different auxiliary services thereof coming within the terms and provisions of this Act, when he or she

presents himself or herself at the proper place, which proper place shall be the county of residence of such person at the time of enlistment or induction or the county of residence acquired since his or her discharge, and who is otherwise a qualified voter of such county and the State of Texas, shall exhibit to the election officers his or her honorable discharge from the said military, naval or marine services of the United States, showing his or her services in the present World War II, or if such discharge is lost, misplaced, or in the hands of the Federal Government, then he or she shall make a written affidavit to such fact, stating in the face of such affidavit the unit he or she was serving with at the time of discharge and, as near as may be, the date and place of discharge and the present place of his or her residence.

In the event any such person is in the said military, naval, or marine services of the United States at the time of presenting himself or herself for the purpose of voting, then the said person shall make an affidavit as to the fact that he or she is presently in such service and further state in the face of said affidavit his or her name, place of residence, the unit in which he or she is then serving, and as nearly as possible, the place where said unit is located and the place of induction or enlistment. Said affidavit or affidavits may be made before any officer authorized to administer oaths or by an officer of the election authorized to administer oaths.

On presentation of such discharge or the making of such affidavit, if the voter is otherwise qualified, except that his or her poll tax has not been paid, then he or she shall be qualified to vote and shall be permitted to vote at any election held within the State of Texas. If an affidavit is made, said affidavit shall be filed with the election officers and shall be preserved in a box or receptacle in the same manner as ballots are preserved; if the voter presents his or her discharge a memorandum of the contents of said discharge shall be made by one of the election officers and shall be filed by him and preserved in the same manner that affidavits are required to be preserved under this Act.

It is provided that the terms and provisions of this Act shall apply to

all those in the military services of the United States as enumerated herein and all those having honorable discharges from their respective branches of the military service as enumerated herein.

Section 5. All ballots voted under this Act shall be written or stamped on the back thereof by the election officers or under their direction and contain the words "soldiers' ballot", before said ballot may be voted or counted. It shall be filed and counted as shall be the ballots of other voters.

Section 6. In the event any person desires to cast an absentee ballot because he or she will be absent from the county of his residence on election day, the following procedure shall be followed: At any time not more than thirty (30) days nor less than three (3) days prior to the date of the election said person shall apply in person or by United States mail, or by telegraph to the county clerk of the county of his residence for an absentee ballot, and said ballot shall be immediately mailed by air mail to such applicant by the county clerk, said ballot to be accompanied by an envelope on the back of which shall be printed a form to read as follows:

If said person applying for said ballot is presently in service then the form shall be:

'I, _____, being a resident of _____ County, Texas, and being 21 or more years of age at my last birthday, the _____ day of _____, 194____, do hereby declare that I am in the Armed Services of the United States or a service auxiliary thereto as defined in Senate Bill 197, Acts of the 49th Legislature, and am by such Act entitled to vote in the election at which the enclosed ballot is cast. I am at present serving as _____ (rank or rating) in the _____ (branch of service), and my present mailing address is:

My home address in Texas is:

(Name) _____

(Home Address) _____

(Post Office) _____

If said person so applying for absentee ballot has been honorably discharged from said military service then said form shall be:

'I, _____, being a resident of _____ County, Texas, and being 21 or more years of age at my last birthday, the _____ day of _____, 194____, do hereby declare that I have been in the Armed Services of the United States or a service auxiliary thereto as defined in Senate Bill 197, Acts of the 49th Legislature, and have been honorably discharged from such service and I am by such Act entitled to vote in the election at which the enclosed ballot is cast. Before my discharge I served as _____ (rank or rating) in the _____ (branch of service), and my present mailing address is

My home address in Texas is

(Name) _____

(Home Address) _____

(Post Office) _____

At a suitable place on such envelope the county clerk shall have printed also instructions to the applicant directing that the applicant shall fill out the form prescribed and shall seal his ballot therein and that he shall mail the same to the county clerk of the county of his residence. Said envelope shall be directed to 'The Presiding Election Judge'. When said envelope is returned to the county clerk he shall note the information as to the home address of the absentee voter, and shall then determine the voting box of such voter and shall mark thereon the number of such box and deliver said sealed ballot to the presiding judge thereof.

To each applicant the county clerk shall send also an envelope upon which he shall affix an air mail stamp of sufficient size to contain the smaller envelope upon which the voter's declaration of service is made and in which his ballot is sealed, and said larger envelope shall be self-addressed to the county clerk by him before mailing the absentee ballot to the applicant. It is further provided that there shall be no fee charged of any person voting an absentee ballot under the provisions of this Act, and all printing and postage expense incurred in connection with such absentee balloting shall be paid as other expenses of said election.

Section 7. This law shall be cumulative of all other election laws of this state, except where in conflict

therewith; and where in conflict, this Act shall prevail; provided further, that the invalidity of any section of this Act shall not affect the constitutionality of any other section.

Section 8. This Act shall apply to all elections in this state, general, special, and primary; provided, however, should Senate Bill No. 165 of the 49th Legislature become a law, this Act shall not apply to primary elections.

Section 9. It is declared that where the word "soldier" or the word "sailor" or the word "marine" or the words "members of the air corps" or "members of the coast guard" or "nurses in military service of the United States" or "all women in military service of the United States in the different auxiliaries thereof" occur in this Act, they shall include any person serving in the Land or Naval Forces of the United States, including the United States Merchant Marine, the United States Maritime Service, the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, the Women's Army Corps; also including those serving in the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, or United Service organizations, attached to and serving with the Armed Forces of the United States.

Section 10. Anyone who is not in fact in the military service of the United States as herein enumerated, or who is not in fact honorably discharged from said military service of the United States as herein enumerated, and as these terms have been defined in this Act, who presents himself or herself at any voting place to vote in this state and represents to the election officers that he or she is a discharged soldier, sailor or marine or member of the air corps, or coast guard, nurse in the military service of the United States or a woman in the military service of the United States in any of the different auxiliaries thereof, or is discharged from the military service of the United States as herein enumerated, or makes the affidavit herein provided for, for the voting of discharged soldiers, sailors, marines and those in military service as herein enumerated, and those engaged or who have been engaged in military service of the United States as herein enu-

merated shall be guilty of a felony, and upon conviction shall be punished by confinement in the state penitentiary for a period of time not less than two years nor more than five years. Ten Thousand copies of this Act shall be printed in bill form, under the supervision of the Secretary of State, and a sufficient number of copies of this Act shall be, by the Secretary of State, delivered to each and every County Judge within the State on or before June 16, 1945, and three copies of said Act shall be, by the County Judge of each county in this State, delivered to the presiding officer of each election precinct within his county, together with all other election supplies to be used at the first election to be held after the passage of this Act. One Thousand (\$1,000.00) Dollars or so much thereof as may be necessary is hereby appropriated out of any funds not otherwise appropriated to defray the expenses of printing and distributing said copies of said Act as herein provided.

Section 11. Should any election officer or election officers declare that they will, on any election day, refuse to let any soldier, sailor or marine or any member in the service of the United States as herein enumerated, or who had been honorably discharged from such service, vote in accordance with the terms and provisions of this Act, then any such soldier, sailor or marine or persons in such military service as herein enumerated, or who had been honorably discharged therefrom, shall be authorized to bring an original mandamus suit in the District Court in the county of his residence or any Court of Civil Appeals, or the Supreme Court of the State of Texas, against any such officer or officers for the purpose of compelling them to permit him to vote in accordance with the provisions of this Act; and no appeal shall lie in the decision or judgment of such District Judge or appellate court trying such case, and no court having jurisdiction to issue the writ of mandamus provided for herein shall upon proper application refuse to issue such writ and hear said cause solely upon the ground that the jurisdiction herein conferred is concurrent.

Section 12. Refusal on the part of any election officer engaged in the conducting of any election in this State to receipt or properly count

the vote of any soldier, sailor, or marine, or person engaged in the military services of the United States as herein enumerated, or who has been honorably discharged therefrom, entitled to a vote at any election under the provisions of this Act, shall constitute a misdemeanor, punishable by imprisonment in the county jail not to exceed twelve months or by fine not to exceed One Thousand (\$1,000.00) Dollars, or by both such fine and imprisonment, at the discretion of the jury.

Section 13. If for any reason the provisions of this Act shall be by the Supreme Court of this State declared unconstitutional for immediate effect, then and in that event it is the declared intention of the Legislature that this Act shall be considered an Enabling Act in support of the Amendment of the Constitution as proposed in S. J. R. No. 7 passed by the Forty-ninth Session of the Legislature if and when the electors of the State adopt said amendment to the Constitution.

Section 14. The fact that there are many thousands of men in uniform serving in the military service of the United States, and many additional thousands who have served and will serve and who have been honorably discharged and will be honorably discharged during this and the next succeeding year, who have been, under the law, denied the privilege of paying their poll taxes, and whose avocations and privileges have been denied them by reason of being in the army, navy, and marine corps, and other branches of the military services; and the fact that such citizens of the State should not be made to suffer any further than necessary by the great calamity of war; and the fact that important elections in this State are to be held during the period of time covered by this Act; and the fact that the many soldiers, sailors and marines, and those engaged in military service, and those who have been honorably discharged therefrom as herein set out, have rendered "public service" within the meaning of the provisions of the Constitution of this State relating thereto, which entitles them to exclusive, separate, public emoluments and privileges, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days be suspended, and the same is hereby suspended, and that this Act take

effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalfe	

Absent—Excused

Mauritz	Parrish
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House Concurrent Resolution 100

On motion of Senator Graves, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 100, Memorializing Congress to return to the Texas State Employment Service the control of the Texas Unemployment Compensation Commission.

The resolution was read and was adopted.

House Bill 309 on Passage to Third Reading

The Senate resumed consideration of pending business, same being House Bill No. 309, known as the aeronautics bill, on its passage to third reading.

Question—Shall the bill be passed to third reading?

Yeas and nays were demanded, and the bill was passed to third reading by the following vote:

Yeas—21

Aikin	Martin
Brown	Metcalfe
Bullock	Moffett
Carney	Moore
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak

Vick
Winfield

York

Nays—8

Chadick
Knight
Lane
Lanning

Morris
Ramsey
Taylor
Weinert

Absent—Excused

Mauritz Parrish

Motion to Place House Bill 309 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 309 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—21

Aikin
Brown
Bullock
Carney
Crawford
Graves
Hazlewood
Jones
Kelley
Martin
Metcalfe

Moffett
Moore
Shivers
Spears
Stanford
Stone
Sulak
Vick
Winfield
York

Nays—8

Chadick
Knight
Lane
Lanning

Morris
Ramsey
Taylor
Weinert

Absent—Excused

Mauritz Parrish

(President in the Chair)

House Bill 586 on Second Reading

Senator Winfield moved that the regular order of business be suspended to take up House Bill No. 586 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin
Brown
Bullock
Carney
Chadick

Crawford
Graves
Hazlewood
Jones
Kelley

Knight
Lanning
Martin
Metcalf
Moffett
Moore
Morris
Ramsey

Shivers
Spears
Stanford
Stone
Taylor
Vick
Weinert
Winfield

Nays—3

Lane
Sulak

York

Absent—Excused

Mauritz Parrish

The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 586, A bill to be entitled "An Act amending Chapter 328, General Laws of the State of Texas, of the Regular Session of the 44th Legislature, by re-writing Section 9-a, to require commercial motor vehicles to carry warning signal equipment, adding red reflect reflectors for use as such, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 586 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 586 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin
Brown
Bullock
Carney
Chadick
Crawford
Graves
Hazlewood
Jones
Kelley
Knight
Lane
Lanning
Martin

Metcalf
Moffett
Moore
Morris
Ramsey
Shivers
Spears
Stanford
Stone
Sulak
Taylor
Vick
Weinert
Winfield

Nays—1

York

Absent—Excused

Mauritz Parrish

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Weinert
Lane	Winfield
Lanning	

Nays—4

Martin	Vick
Metcalf	York

Absent—Excused

Mauritz	Parrish
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Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that

The House has adopted S. C. R. No. 35; suspending the joint rules so as to permit the Senate to consider S. B. No. 311 on Thursday, May 24, 1945.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk House of Representatives.

Senate Bill 311 on Second Reading

On motion of Senator Kelley, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to engrossment:

S. B. No. 311, A bill to be entitled "An Act authorizing the State to accept from the City of Laredo, Texas, and from the Webb County Tuberculosis Association, a corporation, title to and conveyance of all lands, and all buildings thereon, and equipment therein, which lands, buildings, and equipment are now

being used by the City-County Tuberculosis Hospital (formerly the Laredo Sanatorium) for a Tuberculosis Sanatorium, and operated by the Webb County Tuberculosis Association, etc., and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 311 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 311 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York

Absent

Carney

Absent—Excused

Mauritz	Parrish
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Conference Committee on House Bill 353

Senator Winfield called for the consideration at this time of the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 353 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Aikin, Winfield, Morris, Hazlewood and Jones.

Senate Resolution 82

(Presentation of Gift to Senator Moore)

Senator Shivers offered the following resolution:

Whereas, a delegation of citizens from Harris County, Texas, is in the Halls of the Capitol Building and desire to present to Senator Weaver Moore of the 16th Senatorial District, a token of appreciation for the splendid service which he has rendered not only in behalf of his own district but in contribution to the welfare of the State; and

Whereas, the Members of the Senate of Texas not only have great admiration and respect for the ability of the Senator from Harris, but also have a deep appreciation for the long and faithful service which he has rendered to his State, and wish to join with the delegation from Harris County in its recognition of the Senator from Harris; now, therefore, be it

Resolved that the delegation of citizens from Houston and Harris County be invited to hold the ceremonial presentation to Senator Weaver Moore on the floor of the Senate on this the 24th day of May, 1945.

The resolution was read and was adopted.

In accordance with the provisions of the resolution, the President appointed Senators Weinert, Spears, and Shivers to escort Hon. Dick Burns, Judge Ewing Boyd, Hon. James A. Brown and Hon. Ed Kilman to the President's rostrum.

Senator Moore was escorted to the President's rostrum by Senator Carney and Senator Ramsey.

Hon. Dick Burns then paid a tribute to Senator Weaver Moore and presented him a gold watch as a token of appreciation for the service rendered to his County and State.

Senator Moore thanked the donors of the gift and expressed his appre-

ciation for the honor conferred upon him.

Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 80, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MARTIN, Chairman.

Recess

Senator Aikin moved that the Senate recess to 3:00 o'clock p. m., today.

Senator Sulak moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Question first recurring on the motion of Senator Sulak, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Chadick	Moore
Lanning	Stone
Martin	Sulak
Metcalfe	Weinert

Nays—21

Aikin	Moffett
Brown	Morris
Bullock	Ramsey
Carney	Spears
Crawford	Shivers
Graves	Stanford
Hazlewood	Taylor
Jones	Vick
Kelley	Winfield
Knight	York
Lane	

Absent—Excused

Mauritz	Parrish
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Senator Moore then moved that the Senate adjourn until 10:30 o'clock a. m., Monday, May 28, 1945.

Yeas and nays were demanded and the motion was lost by the following vote:

Yeas—11

Chadick	Ramsey
Crawford	Stone
Graves	Taylor
Lanning	Weinert
Metcalf	Winfield
Moore	

Nays—18

Aikin	Martin
Brown	Moffett
Bullock	Morris
Carney	Shivers
Hazlewood	Spears
Jones	Stanford
Kelley	Sulak
Knight	Vick
Lane	York

Absent—Excused

Mauritz	Parrish
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Question then recurring on the motion of Senator Aikin, it prevailed.

The Senate accordingly at 12:35 o'clock p. m., took recess to 3:00 o'clock p. m., today.

Afternoon Session

The Senate met at 3:00 o'clock p. m., and was called to order by the President.

**Conference Committee on
House Bill 98**

Senator Spears called for the consideration at this time of the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 98 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Metcalfe, Weinert, Moore, Lane, and Shivers.

**Senate Bill 239 With House
Amendments**

Senator Hazlewood called S. B. No. 239 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hazlewood moved that the Senate concur in the House amendments.

The motion prevailed.

(Senator Stone in the Chair.)

Senate Bill 347 on First Reading

Senator Metcalfe moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Taylor
Knight	Vick
Lane	Weinert
Martin	Winfield
Metcalf	York

Absent

Kelley	Sulak
Lanning	

Absent—Excused

Mauritz	Parrish
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The following bill then was introduced, read first time and referred to the committee on Stock and Stock Raising:

By Senator Metcalfe:

S. B. No. 347, A bill to be entitled

"An Act amending Section 2 of Senate Bill 75, Acts of the Regular Session of the 49th Legislature, by striking therefrom in sub-section F the words 'other than feed' and declaring an emergency."

House Bill 237 on Second Reading

Senator Vick moved that the regular order of business be suspended to take House Bill No. 237 on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stone
Jones	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	

Absent

Kelley	Sulak
Stanford	York

Absent—Excused

Mauritz	Parrish
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The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 237, A bill to be entitled "An Act appropriating to the Department of Texas of the United Spanish War Veterans the balance of the funds now in the State Treasury, deposited by the United States in 1898 with the State of Texas to pay the enlisted men who entered the Volunteer Army of the War with Spain."

The bill was read second time and was passed to third reading.

House Bill 237 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 237 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

Absent

Kelley	Sulak
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Absent—Excused

Mauritz	Parrish
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York

Absent

Kelley

Absent—Excused

Mauritz	Parrish
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House Bill 540 on Second Reading

Senator Graves moved that the regular order of business be suspended to take up House Bill No. 540 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Bullock
Brown	Carney

Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Lane	Taylor
Martin	Vick
Metcalf	Weinert
Moffett	Winfield
Moore	York
Morris	

Present—Not Voting

Knight

Absent

Kelley	Sulak
Lanning	

Absent—Excused

Mauritz	Parrish
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The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 540, A bill to be entitled "An Act to amend Article 5921, Title 96, of the Revised Civil Statutes of Texas, 1925, relating to removal of disabilities of minors so as to provide that minors above the age of eighteen years of age can have their disabilities of minority removed; and declaring an emergency."

The bill was read second time.

Senator Graves offered the following amendment to the bill:

Amend House Bill No. 540 by striking out Section 1 thereof and inserting in lieu a new Section 1 to read as follows:

"Section 1. Title 96 of the Revised Civil Statutes of Texas of 1925 is amended hereby by the addition of a new section to be known as Article 5921a and reading as follows:

'Article 5921a. In addition to and cumulative of the provisions of Article 5921, minors above the age of eighteen (18) years who have been honorably discharged from the Armed Forces of the United States, where it shall appear to their material advantage, may have their disabilities of minority removed, and be thereafter held, for all legal purposes, of full age, except as to the right to vote.'"

The amendment was adopted.

Senator Graves offered the following amendment to the bill:

Amend the caption of House Bill No. 540 to read as follows:

"A bill to be entitled 'An Act to amend Title 96 of the Revised Civil Statutes of Texas of 1925, relating to the removal of disabilities of minors, so as to provide that minors above the age of eighteen (18) years who have been discharged from the Armed Forces of the United States may have their disabilities of minority removed under certain conditions, providing that this Act shall be cumulative; and declaring an emergency.'"

The amendment was adopted.

House Bill No. 540 was then passed to third reading.

House Bill 540 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 540 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Mauritz	Parrish
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Graves
Brown	Hazlewood
Bullock	Jones
Carney	Kelley
Chadick	Knight
Crawford	Lane

Lanning	Stanford
Martin	Stone
Metcalfe	Sulak
Moffett	Taylor
Moore	Vick
Morris	Weinert
Ramsey	Winfield
Shivers	York
Spears	

Absent—Excused

Mauritz Parrish

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 853, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred S. B. 347, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Chairman.

Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 728 have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimographed and be not otherwise printed.

LANNING, Chairman.

Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 825, have had the same

under consideration and we are requested to report it back to the Senate with recommendation that it do pass and be not printed.

VICK, Chairman.

Motion to Take Up House Bill 42

Senator Bullock moved that the regular order of business be suspended to take up House Bill No. 42 for consideration at this time.

The motion was lost by the following vote:

Yeas—12

Brown	Metcalfe
Bullock	Moffett
Carney	Moore
Knight	Ramsey
Lane	Stanford
Martin	Stone

Nays—15

Aikin	Shivers
Chadick	Spears
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Kelley	Winfield
Lanning	York
Morris	

Absent

Crawford Taylor

Absent—Excused

Mauritz Parrish

House Bill 411 on Second Reading

Senator Shivers moved to suspend the regular order of business to take up House Bill No. 411 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Moffett
Brown	Moore
Carney	Ramsey
Graves	Shivers
Hazlewood	Spears
Kelley	Stanford
Knight	Stone
Lanning	Weinert
Martin	Winfield
Metcalfe	

Nays—8

Bullock	Morris
Chadick	Sulak
Jones	Vick
Lane	York

Absent

Crawford Taylor

Absent—Excused

Mauritz Parrish

The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 411, A bill to be entitled "An Act to amend Article 7059, Revised Civil Statutes of Texas, as amended by the acts of the 45th Legislature, Third Called Session, Chapter 36, so as to provide for an occupation tax from telegraph companies and the time and method of collecting same."

The bill was read second time and was passed to third reading.

House Bill 411 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 411 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Moffett
Brown	Moore
Carney	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Kelley	Stone
Knight	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York

Nays—5

Bullock	Morris
Chadick	Sulak
Lane	

Absent

Crawford Taylor

Absent—Excused

Mauritz Parrish

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Lane asked to be recorded as voting "nay" on the passage of the bill.

House Bill 292 on Second Reading

Senator Carney moved that the regular order of business be suspended to take up House Bill No. 292 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York

Absent

Crawford

Absent—Excused

Mauritz Parrish

The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 292, A bill to be entitled "An Act amending Article 2700, Revised Civil Statutes, 1925, as amended by H. B. 328, Acts of the 48th Legislature, Regular Session, 1943, pertaining to the salaries of elective county superintendents and to office and traveling expenses; providing for salaries of county superintendents in counties having less than eight thousand and one (8,001) scholastic population under certain conditions; providing for assistants to the county superintendent; providing for the employment of assistants to the county superintendents in counties having a population of more than one hundred thousand (100,000) according to the last Federal census; providing for supervisors and their compensation; providing for the manner or payment of county administration expense; providing for budgets for the purpose; providing for admin-

istration of the Act; repealing all general laws in conflict herewith except such general laws as provide for a part of the office expense to be paid out of the general revenue of the county; declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. 292 by striking out Section 4, and re-number the subsequent sections.

**METCALFE
HAZLEWOOD
MORRIS**

Senator Carney moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—15

Aikin	Moffett
Brown	Ramsey
Carney	Stanford
Chadick	Stone
Graves	Sulak
Kelley	Vick
Knight	York
Lane	

Nays—12

Bullock	Moore
Hazlewood	Morris
Jones	Shivers
Lanning	Spears
Martin	Weinert
Metcalfe	Winfield

Absent

Crawford	Taylor
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Absent—Excused

Mauritz	Parrish
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Senator Martin offered the following amendment to the bill:

Amend H. B. 292 by striking out the figures "\$5,400" in the last bracket and inserting in lieu "\$5,000.00".

**MOORE
MARTIN
GRAVES
SPEARS**

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 292 by striking

out of the next to the last line in Section No. 1 as appears on page 4, of mimeographed bill, the words "Less than Three Hundred dollars (\$300.00) and not"

The amendment was adopted.

House Bill No. 292 was passed to third reading.

House Bill 292 on Third Reading

Senator Carney moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. 292 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York

Absent

Crawford

Absent—Excused

Mauritz	Parrish
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Mauritz	Winfield
Metcalfe	York

Absent

Crawford

Absent—Excused

Martin

Parrish

House Bill 633 on Second Reading

Senator York moved to suspend the regular order of business to take up House Bill No. 633 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Brown	Morris
Bullock	Ramsey
Carney	Shivers
Chadick	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Martin	Winfield
Metcalf	York
Moffett	

Absent

Knight

Lanning

Absent—Excused

Crawford
MauritzParrish
Taylor

The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 633, A bill to be entitled "An Act to amend Article 1373, Penal Code of 1925, and increasing the penalty for a violation thereof, and declaring an emergency."

The bill was read second time.

Senator York offered the following amendments to the bill:

(1)

Amend House Bill No. 633 by striking out all below the enacting clause and substitute therefor the following:

That Article 1373 of the Penal Code of the State of Texas be amended so as to hereafter read as follows:

Article 1373. Section 1, Whoever shall wilfully maim, wound or disfigure any horse, ass, mule, cattle,

sheep, goat, swine, dog or other domesticated animal, or whoever shall wilfully kill, maim, wound, poison, or disfigure any dog, domesticated bird or fowl of another with intent to injure the owner thereof, shall be fined not less than Ten nor more than Two Hundred Dollars. In prosecutions under this Article the intent to injure may be presumed from the perpetration of the act.

Sec. 2. That Chapter 3 of Title 17 of the Penal Code of the State of Texas, 1925 revision, be amended by adding thereto a new Article, to be known as Article 1373-a, as follows:

Article 1373-a. Whoever shall wilfully kill any horse, ass, mule, cattle, sheep, goat or swine of another, or whoever shall wilfully scatter or deposit poison on the lands owned or in possession of another, or on any open range, public road or highway or other public area, and by so scattering or depositing poison kills or injures any horse, ass, mule, cattle, sheep, goat or swine of another, shall be punished as follows:

1. If the value of the animal or animals killed, or the injury to the animal or animals poisoned as above set out, but not killed, is Fifty Dollars or over, the punishment shall be confinement in the penitentiary for not less than two nor more than ten years.

2. If the value of the animal or animals killed, or the injury to the animal or animals poisoned as above set out, but not killed, is under Fifty Dollars and over Five Dollars, the punishment shall be imprisonment in jail not exceeding two years and by fine not exceeding Five Hundred Dollars, or by such imprisonment without fine.

3. If the value of the animal or animals killed, or the injury to the animal or animals poisoned as above set out, but not killed, is of the value of Five Dollars or under, the punishment shall be a fine not exceeding Two Hundred Dollars.

Sec. 3. The fact that the punishment as it now exists in the Penal Code of Texas is too light for the offenses enumerated in Sections 1 and 2 hereof, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend House Bill No. 633 by striking out all above the enacting clause and substitute therefor the following:

**A BILL
TO BE ENTITLED**

An Act to amend Article 1373, Penal Code of 1925, and amend Chapter 3 of Title 17 of the Penal Code of the State of Texas, 1925 revision, by adding a new Article numbered 1373-a, providing for punishment for killing certain animals or scattering and depositing poison in certain places thereby killing or injuring certain animals, providing the punishment therefor; and declaring an emergency.

The amendments were adopted severally.

On motion of Senator York, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. 633 as amended by adding after the word "another" in line 26 of the printed amendment, the words "with intent to injure the owner thereof."

The amendment was adopted.

House Bill No. 633 was then passed to third reading.

Motions to Adjourn

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Knight moved that the Senate adjourn until 10:30 o'clock a. m. Monday, May 28, 1945.

Question first recurring on the motion of Senator Knight, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Chadick	Metcalfe
Graves	Moore
Knight	Vick
Lanning	Winfield

Nays—15

Aikin	Bullock
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Hazlewood	Shivers
Jones	Spears
Lane	Stanford
Martin	Stone
Moffett	Sulak
Morris	York
Ramsey	

Absent

Carney	Weinert
Kelley	

Absent—Excused

Mauritz	Taylor
Parrish	

Paired

Senator Brown (present), who would vote "nay" with Senator Crawford (absent), who would vote "yea."

Question next recurring on the motion of Senator Martin, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—5

Aikin	Hazlewood
Bullock	Martin
Graves	

Nays—19

Brown	Ramsey
Chadick	Shivers
Jones	Spears
Knight	Stanford
Lane	Stone
Lanning	Sulak
Metcalfe	Vick
Moffett	Winfield
Moore	York
Morris	

Absent

Carney	Weinert
Kelley	

Absent—Excused

Crawford	Parrish
Mauritz	Taylor

House Bill 633 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 633 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York

Absent—Excused

Crawford	Parrish
Mauritz	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York

Absent—Excused

Crawford	Parrish
Mauritz	

House Bill No. 734 on Second Reading

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 734, A bill to be entitled "An Act amending Section 4 and Section 5 of Chapter 97, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Section 2 and Section 3, respectively, of Acts 1939, 46th Legislature, Special Laws, page 1080; providing for the appointment of Board of Directors for Sabine-Neches Conservation District,

prescribing their terms of office; providing for the election of President, Vice-President and Secretary-Treasurer; providing that five directors shall constitute a quorum, and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading.

The bill was read second time.

Senator Ramsey offered the following amendment to the bill:

Amend H. B. 734, line twenty-four (24), after the word "Act" and the comma following, by adding the following:

"and confirmed by the Senate."

The amendment was adopted.

On motion of Senator Ramsey, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

House Bill 734 was then passed to third reading.

House Bill No. 734 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. 734 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Graves	Ramsey
Hazlewood	Shivers
Jones	Spears
Kelley	Stanford
Knight	Stone
Lane	Sulak
Lanning	Vick
Martin	Winfield
Metcalfe	York

Absent

Carney	Weinert
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Absent—Excused

Crawford	Taylor
Mauritz	

The Presiding Officer then laid the

bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(President in the chair.)

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 676, "An Act to empower any city or town in this State now or hereafter incorporated under the General Laws of this State, and not having a special charter, and not having a charter adopted or amended under the Home Rule provisions of the Constitution and Statutes of this State, and having located within its corporate limits or outside such corporate limits but within a distance of two miles from such corporate limits thereof, a Toll Bridge over a River between the State of Texas and the Republic of Mexico, to acquire such Toll Bridge."

H. B. No. 375, Providing for the creation of corporations with power (a) to buy livestock, poultry and products of ranch, farm, dairy and creamery, and the by-products thereof, and manufacture, process, and sell such products and by-products.

H. B. No. 63, "An Act of 1930, 41st Leg., 4th C. S., p. 60, ch. 33; (Art. 2997a, Sec. 17, R. C. S., 1925), as amended, authorizing and empowering canvassing boards charged with the duty of canvassing said election returns, to make, or cause to be made, prior to or at the time of canvassing said election returns, a comparison or recheck of said election returns with the results registered on the counterdials of said voting machines so used in said election; providing for the resealing of said voting machines upon completion of said recheck or comparison, and declaring an emergency."

H. B. No. 693, "An Act validating all Public Junior Colleges now organized and conducted in the State of Texas, which have been actually in operation prior to January 1, 1943, or which are recognized as standard Junior Colleges by the State Department of Education, and authorizing

such Junior Colleges to receive the privileges and benefits of House Bill No. 10, Chapter 290, Acts of 1929, 41st Legislature, Regular Session, and all amendments thereof; and declaring an emergency."

H. B. No. 818, "An Act providing for the transfer by the State Treasurer of a certain sum of money from the Oil and Gas Enforcement Fund, to the General Revenue Fund; appropriating said money for the construction and/or purchase of an office building and/or a State Courts Building and equipping same, as well as certain other construction, as provided for by the Legislature; appropriating for the same purpose all sums of money transferred or to be transferred from the Operator's and Chauffeur's License Fund to the General Revenue Fund in accordance with Section 1, Chapter 313, S. B. No. 144, Acts of the 48th Legislature, Regular Session, or as much thereof as may be necessary; providing for the transfer by the State Treasurer of a certain sum of money from the Board of Cosmetology Fund to the General Revenue Fund; appropriating for the same purpose hereinbefore mentioned said money so transferred from the Board of Cosmetology Fund; and declaring an emergency."

H. B. No. 408, "An Act to aid the town of Freeport, Texas, in raising, strengthening and extending existing seawalls and breakwaters now partially protecting said town from calamitous overflow, and in constructing additional seawalls and breakwaters both within and without the corporate limits of said Town of Freeport for the further protection thereof, by donating and granting to said Town of Freeport for a period of twenty (20) years commencing September 1, 1945, and ending August 31, 1965, the State General Fund ad valorem taxes collected upon property, real and personal, (including rolling stock belonging to railroad companies, which shall be ascertained and apportioned as now provided by law) within the defined limits of Road District No. 8, boundaries of which appear in Volume K, page 577, Minutes of the Commissioners' Court of Brazoria County, Texas; Road District No. 9, the boundaries of which appear in Volume L, page 101, Minutes of the Commissioners' Court of Brazoria County."

H. B. No. 856, "An Act amending Senate Bill No. 95, Acts of the Regular Session of the 48th Legislature, as amended by Senate Bill No. 350, Acts of the Regular Session of the 48th Legislature, providing that in all incorporated cities and towns containing more than one hundred seventy-five thousand (175,000) inhabitants according to the last preceding or any future Federal Census, the governing body shall have power to lay out, acquire and/or construct any section or portion of any street within its jurisdiction as a freeway under certain circumstances, defining the term "freeway", conferring the right to close streets or to make provision for carrying any street over or under or to a connection with the freeway; providing for the power of condemnation of the right of access to an existing public street when converted into a freeway; repealing all laws in conflict; and declaring an emergency."

H. B. No. 874, "An Act making an appropriation of the sum of One Hundred Thousand Dollars (\$100,000), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-ninth Legislature, and to pay any unpaid accounts or expenses of the Forty-eighth Legislature; and declaring an emergency."

S. B. No. 339, "An Act to amend Secs. 1 and 3 of Chap. 219, 40th Leg., R. S., p. 322; and by adding Sec. 6A thereto; so as to lower the minimum of population and raise the limit of tax that can be levied; and authorizing a joint program of tuberculosis control in the cities and counties affected by the provisions of said Chap. 219, Acts of 1927, 40th Leg., R. S., p. 322; providing for the creation of City-County Tuberculosis Control Boards therein; and for the appointment of members thereof; providing for the levying of taxes in support of such program and the government and maintenance thereof; providing a saving clause; and declaring an emergency."

S. B. No. 179, "An Act making an appropriation of "Forty-three Thousand Dollars (\$43,000), or so much thereof as may be necessary, to pay

each of those eleven (11) certain judgments rendered on the 8th day of July, A. D. 1944, in the 126th Judicial District Court of Travis County, Texas, etc., and declaring an emergency."

S. B. No. 180, "An Act providing for the recording of assignments of accounts receivable and of release thereof; providing fees to county clerks in connection with such filing; providing that the record of assignments of accounts receivable shall constitute constructive notice of such assignments; providing for the protection of the rights of debtors owing assigned accounts; providing for the protection of assignees named in recorded accounts; providing for the promotion of trade by facilitating the assignment of accounts receivable and for the elimination of fraud in connection with secret assignments; providing for the definition of terms used; and declaring an emergency."

S. B. No. 172, "An Act authorizing official district court reporters to take depositions of witnesses, to do all things necessary in the taking of such depositions; providing that such reporters shall have authority to perform such acts within any county in the State of Texas; providing that same shall be cumulative of all existing laws; and declaring an emergency."

S. B. No. 221, "An Act to amend Section 5, Chapter 66, Acts of 41st Legislature, 1930, page 212, as amended by Chapter 48, Acts of 43rd Legislature, page 100, so as to eliminate the right of referendum of school districts in counties having a city with a population of not less than forty-four thousand (44,000) and not more than forty-five thousand (45,000) inhabitants."

S. B. No. 344, "An Act to clarify and amend Article 4545, Revised Civil Statutes of Texas, 1925, as amended by Section 4 of Chapter 244, General and Special Laws of the 44th Legislature, Regular Session, 1935; and declaring an emergency."

S. B. No. 328, "An Act amending Sec. 2 of Article 2911a (Acts 1941, 47th Legislature) authorizing the State Board of Education to purchase text books and recorded Spanish exercises for teaching the Spanish language in such grades or sections

of grades as may be designated by Board of Trustees in Independent and Common School Districts of the State; and declaring an emergency."

S. B. No. 312, "An Act providing that the official ballots to be used in primary elections shall designate places for nominations for candidates for two or more State offices of the same classification, and declaring an emergency."

S. B. No. 229, "An Act to authorize the Commissioner of the General Land Office, with the approval of the School Land Board, to enter into agreements whereby the State's royalty interests in natural gas reserved in or retained in any patent or contract of sale or under the terms of any lease executed by an agent of the State under the Relinquishment Act or any lease executed and issued by the Commissioner of the General Land Office, except leases covering land belonging to The University of Texas, are pooled and consolidated with other interests in natural gas so as to form pooled areas; fixing a minimum royalty to be received by the State, repealing all laws in conflict herewith; providing a saving clause; and declaring an emergency."

S. B. No. 343, "An Act authorizing the Comptroller of Public Accounts of this State to receive and receipt for funds to be paid by the Secretary of the Treasury under the provisions of the Act of Congress of August 18, 1941, Chapter 377, Section 7, 55 Stat. 650, Title 33, U. S. C. A., Section 701c-3; authorizing and regulating the time, method and manner of disbursement of such funds; and declaring an emergency."

H. C. R. No. 105, Suspend joint rules to permit the House to consider H. B. No. 33.

H. C. R. No. 103, Instructing the enrolling clerk to make certain corrections in H. B. 755.

H. C. R. No. 41, Relative to the sale of certain State owned lands near Prairie View Normal and Industrial College.

S. C. R. No. 31, Authorizing the chairman of the contingent expense of both House and Senate to pay all expenses of the certificate where

cards of sympathy and admiration of the people of Texas that will be sent to the families and next of kin of each Texan whose life is lost in the service of his country.

House Bill 146 on Second Reading

Senator Chadick moved to suspend the regular order of business to take up House Bill No. 146 for consideration at this time.

The motion provided by the following vote:

Yeas—23

Aikin	Metcalf
Brown	Moffett
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Kelley	Stone
Knight	Vick
Lane	Winfield
Lanning	York
Martin	

Nays—2

Moore	Sulak
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Absent

Carney	Weinert
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Absent—Excused

Crawford	Parrish
Mauritz	Taylor

The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 146, A bill to be entitled "An Act to amend Article 129, Revised Civil Statutes of 1925, so as no longer to require a married woman to acknowledge a conveyance privily and apart from her husband, and to amend Article 1300, Revised Civil Statutes of 1925, so as to no longer require the separate acknowledgment of a married woman to the conveyance of the homestead, and to repeal Article 6605, Revised Civil Statutes of 1925, and to amend Article 6608 by prescribing the form of certificate of acknowledgment for a married woman."

The bill was read second time.

Question—shall the bill be passed to third reading?

Yeas and nays were demanded, and the bill was passed to third reading by the following vote.

Yeas—13

Aikin	Moffett
Brown	Morris
Carney	Ramsey
Chadick	Shivers
Knight	Vick
Martin	York
Metcalf	

Nays—12

Bullock	Moore
Graves	Spears
Jones	Stanford
Kelley	Stone
Lane	Sulak
Lanning	Winfield

Absent

Hazlewood	Weinert
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Absent—Excused

Crawford	Parrish
Mauritz	Taylor

**Motion to Place House Bill 146
on Third Reading**

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 146 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—17

Aikin	Metcalf
Brown	Moffett
Carney	Morris
Chadick	Ramsey
Graves	Shivers
Jones	Vick
Kelley	Winfield
Knight	York
Martin	

Nays—8

Bullock	Spears
Lane	Stanford
Lanning	Stone
Moore	Sulak

Absent

Hazlewood	
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Absent—Excused

Crawford	Mauritz
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Parrish	
Taylor	

Weinert	
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House Bill 628 on Second Reading

Senator Morris moved that the regular order of business be suspended to take up House Bill No 628 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Graves	Spears
Jones	Stanford
Kelley	Stone
Knight	Sulak
Lane	Vick
Martin	Winfield
Metcalf	York

Absent

Hazlewood	Lanning
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Absent—Excused

Crawford	Taylor
Mauritz	Weinert
Parrish	

(Senator Winfield in the chair)

The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 628, A bill to be entitled "An Act amending Section 1, Section 4, and Section 5, repealing Section 8, and adding a new Section to be known as Section 3a, of Article 7047b, Revised Statutes of Texas, said Article being Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, Chapter 73, Acts of the Regular Session of the Forty-second Legislature, as amended by Acts of the Third Called Session of the Forty-fourth Legislature, Chapter 495, Article 4, Section 8, as amended by Chapter 3 and Chapter 4 of Subdivision II of the title 'Taxes and Taxation' of the Acts of the Regular Session of the Forty-sixth Legislature, as amended by Sections 1, 4, 5, and 8 of Article II, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature; providing for the adding of a new Section to be known as Section 3-a, providing for the finding of market value of gas by the Comptroller, and an ap-

peal from his findings; providing a saving clause; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 628 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 628 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Crawford	Parrish
Mauritz	Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Kelley	Stone
Knight	Sulak
Lane	Vick
Lanning	Winfield
Martin	York

Absent—Excused

Crawford	Taylor
Mauritz	Weinert
Parrish	

House Bill 555 on Second Reading

Senator Brown moved to suspend the regular order of business to take up House Bill No. 555 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Brown	Metcalf
Bullock	Moffett
Carney	Moore
Chadick	Morris
Graves	Parrish
Hazlewood	Shivers
Jones	Spears
Kelley	Stanford
Knight	Stone
Lane	Vick
Lanning	Weinert
Martin	York

Nays—2

Aikin	Sulak
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Absent—Excused

Crawford	Taylor
Mauritz	Winfield
Ramsey	

The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 555, A bill to be entitled "An Act to amend Chapter 13, Article 2326, Revised Civil Statutes of Texas, 1925, and all sub-divisions of said Article, providing that the Official Shorthand Reporter of each Judicial District in this State, either a Civil or Criminal District Court, or any County Court at Law, either civil or criminal, shall receive a salary of not less than Two Thousand, Four Hundred Dollars (\$2400) nor more than Three Thousand, Seven Hundred and Fifty Dollars (\$3750) per annum, to be paid monthly by the respective counties, in addition to the transcript fees and traveling and hotel expenses now provided by law; etc., and declaring an emergency."

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Amend H. B. No. 555, the mimeograph copy thereof, by striking out the first three lines on page two of the mimeograph copy, and inserting in lieu thereof, the following:

"and traveling and hotel expenses as is now provided by law."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. 555 by adding the following after the word Criminal in line 9 on page 2, subject to the approval of the Commissioners Court.

The amendment was adopted.

Record of Vote

Senator Vick asked to be recorded as voting "nay" on the adoption of the amendment.

On motion of Senator Brown, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

House Bill No. 555 was then passed to third reading.

House Bill 555 on Third Reading

Senator Brown moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 555 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Kelley	Stone
Knight	Sulak
Lane	Vick
Lanning	Winfield
Martin	York

Absent—Excused

Crawford	Taylor
Mauritz	Weinert
Parrish	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Brown
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Bullock	Metcalf
Carney	Moffett
Chadick	Moore
Graves	Ramsey
Hazlewood	Shivers
Jones	Spears
Kelley	Stanford
Knight	Stone
Lane	Sulak
Lanning	Vick
Martin	Winfield
Mauritz	York

Absent—Excused

Crawford	Taylor
Morris	Weinert
Parrish	

Committee Substitute House Bill 301 on Second Reading

On motion of Senator Lanning, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

C. S. H. B. No. 301, Relating to the construction of two State building and purchase of building by the State.

The Presiding Officer laid the bill before the Senate on its second reading.

The bill was read second time.

Senator Lanning offered the following amendment to the bill:

Amend Committee Substitute for House Bill No. 301 by striking out Section 21 on page 6 and substituting the following in lieu thereof:

The purchase price for the said Tribune Building, real estate and land shall be paid out of the funds appropriated and provided for in and in the manner set out in House Bill No. 818 of the Regular Session of the 49th Legislature, and provided further that the sum for the cost of the two office buildings as described in this Act shall be appropriated out of and provided in the manner set out in House Bill No. 818 of the Regular Session of the 49th Legislature.

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend Section 1 of Committee Substitute for H. B. 301 by:

1. Striking out the words "shall

be," and insert in lieu the words "may be";

2. and by striking out the first sentence in section 3;

3. and by striking out the words "State auditor" in section 2.

The amendment was adopted.

On motion of Senator Lanning, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

Question—Shall the bill be passed to third reading?

Senator Shivers moved that further consideration of the bill be postponed until 11:00 o'clock a. m. Monday, May 28, 1945.

Yeas and nays were demanded and the motion was lost by the following vote:

Yeas—4

Morris	Stone
Shivers	Vick

Nays—20

Aikin	Lanning
Brown	Martin
Bullock	Metcalf
Carney	Moffett
Chadick	Moore
Graves	Spears
Jones	Stanford
Kelley	Sulak
Knight	Winfield
Lane	York

Absent

Hazlewood	Ramsey
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Absent—Excused

Crawford	Taylor
Mauritz	Weinert
Parrish	

Committee Substitute House Bill No. 301 was then passed to third reading.

Record of Votes

Senators Shivers and Lane asked to be recorded as voting "nay" on the passage of the bill to third reading.

Committee Substitute House Bill 301 on Third Reading

Senator Lanning moved that the

constitutional rule requiring bills to read on three several days be suspended and that C. S. H. B. No. 301 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Kelley	Stone
Knight	Sulak
Lane	Vick
Lanning	Winfield
Martin	York

Absent—Excused

Crawford	Taylor
Mauritz	Weinert
Parrish	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Martin
Brown	Metcalf
Bullock	Moffett
Carney	Moore
Chadick	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Winfield
Knight	York
Lanning	

Nays—4

Lane	Shivers
Morris	Vick

Absent—Excused

Crawford	Ramsey
Mauritz	Taylor
Parrish	Weinert

Adjournment

Senator Vick moved that the Senate adjourn until 10:30 o'clock a. m. Monday, May 28, 1945.

Senator York moved that the Sen-

ate adjourn until 10:30 o'clock a. m. tomorrow.

Question first receiving on the motion of Senator Vick, it prevailed.

The Senate, accordingly, at 6:10 o'clock p. m., adjourned until 10:30 o'clock a. m. Monday. May 28, 1945.

SEVENTY-SEVENTH DAY

(Monday, May 28, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Ramsey
Carney	Shivers
Chadick	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 24, 1945, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Morris and Crawford were granted leaves of absence for today on account of important business on motion of Senator Winfield.

Senators Mauritz and Parrish were granted leaves of absence for today on account of illness on motion of Senator Winfield.

Reports of Conference Committee on House Bill 121

Senator Stone submitted the following report of the conference committee on House Bill No. 121:

Austin, Texas,
May 23, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 121, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

STONE
MOORE
WINFIELD
SHIVERS
WEINERT

On the part of the Senate.

ISAACKS
BOND
PEARSON
GRAY
HOYO

On the part of the House.

H. B. No. 121

A BILL
To Be Entitled

An Act to amend Articles 3386, 3576, 4141, 4201 and 4216 of the Revised Civil Statutes of Texas relating to bonds of administrators and guardians; repealing all laws in conflict herewith; and declaring an emergency:

Be it Enacted by the Legislature of the State of Texas:

Section 1. That Article 3386 of the Revised Civil Statutes of Texas be so amended as to hereafter read as follows:

"Art. 3386. Before the issuance of letters testamentary or of administration, the person to whom letters are granted, shall enter into bond, to be approved by, and payable to the county judge of the county, in such penalty as he may direct in an amount, if the sureties be natural persons, equal to double the estimated value of the personal property belonging to such estate, plus a reasonable amount to be fixed at the discretion of the county judge, to cover rents, revenues, and income derived from renting or use of real estate belonging to such estate but if the surety or sureties on said bond be either a domestic or foreign corporation, or corporations, permitted to do business in the State